

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 04, 2024

SEAN F. McAVOY, CLERK

U.S.A. vs. Howard, Richard Olaf Docket No. 0980 1:23CR02031-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Richard Olaf Howard, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the court at Yakima, Washington, on the 21st day of July 2023, under the following conditions:

Additional Condition #4 (ECF No. 58): Home Detention: Defendant shall be restricted to a clean and sober residence approved by United States Probation/Pretrial Services at all times except for attorney visits; court appearances; case-related matters; court-ordered obligations. Defendant may attend other essential activities as pre-approved by the United States Probation/Pretrial Services Office, including but not limited to employment; grocery shopping; primary care giving; religious services; medical necessities; and substance abuse testing or treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 19, 2023, the defendant appeared before Your Honor on a motion to reopen detention (ECF No. 22). Mr. Howard was granted release to inpatient treatment. Conditions were verbally reviewed with him in court. Mr. Howard acknowledged an understanding of his conditions and requirements of pretrial release.

On January 4, 2024, Mr. Howard signed ECF No. 24 and ECF No. 37, to include standard and special conditions imposed by the Court, acknowledging an understanding of his requirements while under pretrial supervision.

On February 20, 2024, Mr. Howard made an initial appearance for pretrial violations reported via petitions, ECF No. 39, ECF No. 45, ECF No. 47, and ECF No. 50. Violations 1-3 were held in abeyance. Mr. Howard was placed under location monitoring with Global Positioning Satellite (GPS) and home detention.

Violation #8: Mr. Howard is alleged to be in violation of his conditions of pretrial release by deviating from his approved location monitoring schedule on March 1, 2024.

On March 1, 2024, Mr. Howard reported to the probation office and met with United States Probation Officer (USPO) Mendoza. Per USPO Mendoza, she approved for Mr. Howard to attend a sober support meeting at Barth and Associates from 12 p.m. to 1 p.m. USPO Mendoza contacted Barth and Associates to confirm the information Mr. Howard provided. Per USPO Mendoza, Mr. Howard then asked if he could stop "elsewhere," and she denied this request. Per USPO Mendoza, she reminded him schedule requests need to be reviewed and approved in advance on his weekly schedule. Mr. Howard verbalized an understanding and indicated he would submit his weekly schedule to his assigned officer to include the sober support meetings at Barth and Associates.

On March 2, 2024, this officer reviewed Mr. Howard's daily mapping in the BI Total Access program for the prior day, March 1, 2024. Per mapping, Mr. Howard attended his sober support meeting at Barth and Associates; however, between 11:19 a.m and 11:27 a.m. Mr. Howard was observed at 301 North 1st Street, in Yakima, Washington, which is a Conoco gas station. This location was not approved by his supervising officer or USPO Mendoza.

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On March 4, 2024, this officer sent Mr. Howard a text message with a picture of where he was located on March 1, 2024. This officer asked Mr. Howard why he was at the Conoco on North 1st Street on March 1, 2024, without permission. Mr. Howard stated, "went to get a pop for my AA meeting." This officer reminded Mr. Howard this was not approved and considered a deviation. Mr. Howard texted, "so now what, it was just a pop."

Violation #9: Mr. Howard is alleged to be in violation of his conditions of pretrial release by deviating from his approved location monitoring schedule on March 3, 2024.

On February 26, 2024, Mr. Howard reported to the probation office. Mr. Howard was given permission to go grocery shopping at Winco in Yakima, Washington, on March 3, 2024. This officer provided Mr. Howard a copy of his approved schedule. On March 4, 2024, this officer reviewed Mr. Howard's daily mapping in the BI Total Access program for the prior day, March 3, 2024. Per mapping, Mr. Howard was observed at Safeway, located at 2204 West Nob Hill Boulevard. Mr. Howard did not go to Winco as approved, nor did he contact this officer via text message nor telephone to obtain permission to deviate from his approved schedule.

PRAYING THE COURT WILL INCORPORATE THE ABOVE ALLEGATION WITH THE PENDING PETITIONS
BEFORE THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: 03/04/2024

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
☐ Defendant to appear before the Judge assigned to the case.
☒ Defendant to appear before the Magistrate Judge.
☐ Other



Signature of Judicial Officer

March 4, 2024

Date